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FACEBOOK, INC.; MARK ZUCKERBERG; DONALD  
E. GRAHAM; DAVID A. EBERSMAN; JAMES W.  
BREYER; DAVID M. SPILLANE; PETER A. THIEL;  
MARC L. ANDREESSEN; REED HASTINGS; and  
ERSKINE B. BOWLES

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

MICHAEL LIEBER, individually, and on behalf of  
other members of the general public similarly  
situated,

Plaintiff,

v.

FACEBOOK, INC.; MARK ZUCKERBURG (*sic*);  
DONALD E. GRAHAM; DAVID A. EBERSMAN;  
JAMES W. BREYER; DAVID M. SPILLANE;  
PETER A. THIEL; MARC L. ANDREESSEN;  
REED HASTINGS; ERSKINE B. BOWLES;  
MORGAN STANLEY & CO. LLC; J.P. MORGAN  
SECURITIES LLC; GOLDMAN, SACHS & CO;  
MERRILL LYNCH; E\*TRADE SECURITIES  
LLC; OPPENHEIMER & CO., INC.; BARCLAYS  
CAPITAL INC.; CITIGROUP GLOBAL  
MARKETS INC.; CREDIT SUISSE SECURITIES  
(USA) LLC; PIERCE, FENNER & SMITH  
INCORPORATED; ALLEN & FACEBOOK (*sic*)  
LLC; DEUTSCHE BANK SECURITIES INC.;  
RBC CAPITAL MARKETS, LLC; MURIEL  
SIEBERT & CO., INC.; CABRERA CAPITAL  
MARKETS, LLC; BMO CAPITAL MARKETS  
CORP.; CASTLEOAK SECURITIES, L.P.;  
LAZARD CAPITAL MARKETS LLC; PACIFIC  
CREST SECURITIES LLC; LOOP CAPITAL  
MARKETS LLC; ITAU BBA USA SECURITIES,  
INC.; WILLIAM BLAIR & FACEBOOK (*sic*),  
L.L.C.; BLAYLOCK ROBERT VAN LLC;

CASE NO. 12-CV-3202 (MMC)

**CLASS ACTION**

**STIPULATION REGARDING  
SCHEDULING AND ORDER THEREON**

DATE: August 3, 2012

TIME: 9:00 a.m.

JUDGE: The Hon. Maxine M. Chesney

CTRM: 7, 19<sup>th</sup> Floor

LEBENTHAL & CO. LLC; M.R. BEAL & FACEBOOK (*sic*); MACQUARIE CAPITAL (USA) INC.; PIPER JAFFRAY & CO.; COWEN AND FACEBOOK (*sic*), LLC; RAYMOND JAMES & ASSOCIATES, INC.; STIFEL, NICOLAUS & FACEBOOK (*sic*), INCORPORATED; C.L. KING & ASSOCIATES, INC.; SAMUEL A. RAMIREZ & FACEBOOK (*sic*), INC.; COWEN & FACEBOOK (*sic*), LLC; THE WILLIAMS CAPITAL GROUP, L.P.; and Does 1 through 100, inclusive,

Defendants.

WHEREAS, on June 20, 2012, certain defendants removed the following actions from the Superior Court for the State of California for the County of San Mateo to the United States District Court for the Northern District of California (the "Removed Actions"):<sup>1</sup>

*Lapin v. Facebook, Inc., et al.*, Case No. 12-cv-3195-MMC, San Mateo County Superior Court, No. CIV-514240;

*DeMois v. Facebook, Inc., et al.*, Case No. 12-cv-3196-MMC, San Mateo County Superior Court, No. CIV514163;

*Lazar v. Facebook, Inc., et al.*, Case No. 12-cv-3199-MMC, San Mateo County Superior Court, No. CIV 514065;

*Shierry v. Facebook, Inc., et al.*, Case No. 12-cv-3200-MMC, San Mateo County Superior Court, No. CIV-514172;

*Cuker v. Facebook, Inc., et al.*, Case No. 12-cv-3201-MMC, San Mateo County Superior Court No. CIV 514238;

*Lieber v. Facebook, Inc., et al.*, Case No. 12-cv-3202-MMC, San Mateo County Superior Court No. CIV-514193; and

*Stokes v. Facebook, Inc., et al.*, Case No. 12-cv-3203-MMC, San Mateo County Superior Court, No. CIV514107;

WHEREAS, prior to the removal to the United States District Court for the Northern District of California, the Removed Actions were consolidated by order of the Honorable Beth L. Freeman, Presiding Judge of the Superior Court of the State of California for the County of San Mateo and co-

<sup>1</sup> Two other actions that were removed, *Pilgram v. Facebook, Inc., et al.*, Case No. 12-cv-3197-MMC, San Mateo County Superior Court, No. CIV-514111 and *Alfonso v. Facebook, Inc., et al.*, Case No. 12-cv-3198-MMC, San Mateo County Superior Court, No. CIV-514171, have since been voluntarily dismissed and marked closed on this Court's docket. Accordingly, the parties are not including these actions in the stipulation.

1 lead counsel for the Removed Actions were appointed by Order of the Honorable Marie S. Weiner,  
2 Complex Civil Litigation Judge of the Superior Court of the State of California for the County of  
3 San Mateo;

4 WHEREAS, on June 21, 2012 and June 22, 2012, plaintiffs filed motions to remand each of  
5 the Removed Actions to the Superior Court for the State of California for the County of San Mateo;

6 WHEREAS, on June 21, 2012, motions to stay each of the Removed Actions were filed on  
7 behalf of defendants;

8 WHEREAS, on June 29, 2012, the Removed Actions were deemed related to actions pending  
9 before this Court and were subsequently transferred to this Court;

10 WHEREAS, pursuant to the order reassigning each of the Removed Actions to this Court, all  
11 hearing dates on outstanding motions were vacated and the parties were ordered to re-notice said  
12 hearings;

13 WHEREAS, the Court's ECF filing system was inoperable and the parties were unable to re-  
14 notice these hearings by electronic filings on Thursday, June 28, 2012 or Friday, June 29, 2012;

15 WHEREAS, the re-notice of the motions to stay on behalf of defendants were physically  
16 filed on June 29, 2012 and were accepted by the Court;

17 WHEREAS, plaintiffs' counsel, after contacting the Clerk's office when the ECF filing  
18 system was inoperable and being advised that a physically refiled motion would be rejected because  
19 these actions are designated for electronic filing only, and, therefore, plaintiffs physically filed their  
20 re-noticed motions to remand on the next business day, Monday, July 2, 2012;

21 WHEREAS, the parties hereto agree that in the interest of judicial economy, plaintiffs'  
22 motions to remand the Removed Actions and motions on behalf of defendants to stay the Removed  
23 Actions should be briefed and heard on the same schedule; and

24 WHEREAS, the parties hereto wish to have the motions to stay and the motions to remand  
25 the Removed Actions heard on the same date, that date being August 10, 2012.

26 NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

27 All briefing in response to either the motions to remand the Removed Actions or the Motions  
28 to Stay the Removed Actions should be served on the parties and filed with the Court no later than

July 10, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief;

All reply briefs in support of the motions to remand the Removed Actions or the motions to stay the Removed Actions should be served on the parties and filed with the Court no later than July 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

In each of the Removed Actions, the parties will file amended notices of the motions to remand and amended notices of the motions to stay setting August 10, 2012 at 9:00 A.M. as the hearing date for said motions.

Dated July 3, 2012

**KIRKLAND & ELLIS LLP**

*/s/ James F. Basile*

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1 Dated July 3, 2012

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1 Dated July 3, 2012

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16 *Attorneys for Defendants Morgan Stanley &*  
17 *Co. LLC, J.P. Morgan Securities LLC, and Goldman,*  
18 *Sachs & Co., for themselves and on behalf of the*  
19 *underwriter defendants*

20 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.**

21 Dated: July 6, 2012

22   
23 HONORABLE MAXINE M. CHESNEY  
24 UNITED STATES DISTRICT JUDGE  
25  
26  
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